

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

APR 30 2008

JOHN F. CONCORAN, CLERK  
BY: *L. Bugh*  
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RICHARD TOLAND FIELDS,	)	Civil Action No. 7:07cv00492
Petitioner,	)	(Criminal Case No. 5:04cr30018)
	)	
	)	<u>FINAL ORDER</u>
v.	)	
	)	
UNITED STATES OF AMERICA,	)	By: Hon. Glen E. Conrad
Respondent.	)	United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that Respondent's motion to dismiss shall be and hereby is **GRANTED**, and petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DENIED**. Any pending motions are hereby **DENIED as MOOT**, and this action is hereby **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this final order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 30<sup>th</sup> day of April, 2008

*Glen E. Conrad*  
\_\_\_\_\_  
United States District Judge